

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10637-GAO

IN THE MATTER OF THE PETITION OF
KAVANAUGH FISHERIES, INC., OWNER OF THE F/V ATLANTIC,
FOR EXONERATION FROM OR LIMITATION OF LIABILITY

ORDER
May 27, 2005

O'TOOLE, D.J.

Kavanaugh Fisheries, Inc., the owner of the F/V Atlantic, has filed a complaint, pursuant to 46 U.S.C. app. § 183 and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims, seeking exoneration from or limitation of liability for any loss, damage, injury, or destruction caused by or resulting from the incident involving the F/V Atlantic during its voyage which commenced on March 13, 2005 at Cape May, New Jersey and terminated upon the collision which occurred on March 17, 2005, as described in the complaint.

On May 26, 2005, in accordance with Supplemental Rule F(1) and prior orders of the Court, the plaintiff deposited with the Court security, in the form of a surety bond, in the sum of \$2,200,000, which equals or exceeds the value of the owner's interest in the vessel and pending freight.

Accordingly, the plaintiff's motion for an order directing issuance of notice and restraining prosecution of claims is granted. Pursuant to Supplemental Rule F(3), all claims and proceedings against the owner or the owner's property with respect to the subject matter of the limitation action are stayed and further prosecution of any action or proceeding is enjoined until further order of the Court. Pursuant to Supplemental Rule F(4), notice shall issue admonishing

all persons asserting claims with respect to the subject matter of the limitation action to file their claims with the Clerk of the Court and to serve a copy on the attorneys for the plaintiff on or before August 31, 2005. Counsel for the plaintiff shall publish the notice in a newspaper of general circulation in the area of New Bedford, Massachusetts once a week for four consecutive weeks prior to the date fixed for the filing of claims. Counsel for the plaintiff, not later than the day of second publication, shall also send by certified mail a copy of the notice to every person, and his or her counsel, known to have made any claims against the vessel or the plaintiff arising out of the voyage or trip on which the claims sought to be limited arose. Counsel for the plaintiff shall file with the Court evidence of their compliance with this Order.

It is SO ORDERED.

May 27, 2005
DATE

/s/ George A. O'Toole, Jr.
DISTRICT JUDGE